

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYZAHAE DAVENPORT : CIVIL ACTION
:
v. : NO. 06-5070
:
MARILYN BROOKS, :
THE ATTORNEY GENERAL OF THE :
STATE OF PENNSYLVANIA and :
THE DISTRICT ATTORNEY'S OFFICE :
OF PHILADELPHIA :

ORDER

AND NOW, this 27th day of August, 2007, upon consideration of the Petition for Writ of Habeas Corpus (Docket No. 1), the Respondents' Answer to Petition for Writ of Habeas Corpus, the Petitioner's "Traverse Response" to Respondents' Answer Filed, the Report and Recommendation filed by United States Magistrate Judge David R. Strawbridge and no objections to the Report and Recommendation having been filed, and after a thorough and independent review of the record, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Strawbridge is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED; and,
3. There is no probable cause to issue a certificate of appealability.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.